



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 12, 2018

*Mark X. Mullin*

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
FT. WORTH DIVISION

In re:

Linda Ish,

Debtor.

Bk. No. 15-43524-mxm13

CHAPTER 13

Hearing Date: 11/29/18

Hearing Time: 9:30 a.m.

**AGREED ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY**

On October 19, 2018 at Doc. 91, a Motion for Relief from the Stay (the “Motion”) was filed by HSBC Bank USA, National Association, as Trustee for Carrington Mortgage Loan Trust Series 2007-HE1 Asset Backed Pass-Through Certificates, its assignees and/or successors in interest (the “Movant”) in the above referenced case. The parties announced that an agreement had been reached and requested that the following orders be made; accordingly, it is:

ORDERED that conduit payments through the Debtor’s Chapter 13 Plan shall commence on March 1, 2019. Debtor shall amend the Chapter 13 Plan within 30 days of the entry of this order to reflect the change. Said payments shall be tendered to Movant’s servicing agent

Carrington Mortgage Services, LLC, Bankruptcy Department, P.O. Box 3730, Anaheim, CA 92806.

IT IS FURTHER ORDERED that Debtor shall pay to Movant the sum of \$44,383.20, representing monthly payments from June 2016 through December 2018, plus attorneys' fees and costs of \$700.00. Said payments shall be paid through the Debtor's Chapter 13 Plan. Debtor shall amend the Chapter 13 Plan within 30 days of the entry of this order to reflect the addition of said arrears.

IT IS FURTHER ORDERED that two (2) "Gap Payments" in the amount of \$2,819.54, representing monthly payments from January 2019 through February 2019 at \$1,409.77 each, shall be paid through the Debtor's Chapter 13 Plan. Said payments shall be tendered to Movant's servicing agent Carrington Mortgage Services, LLC, Bankruptcy Department, P.O. Box 3730, Anaheim, CA 92806. Debtor shall amend the Chapter 13 Plan within 30 days of the entry of this order to reflect the addition of said gap payments.

IT IS FURTHER ORDERED that, in the event Debtor fails to amend the plan and maintain plan payments to the Trustee, on the occasion of the first two (2) defaults, Movant may mail a Letter of Default to Debtor and Debtor's counsel. Debtor shall have ten (10) days from the date of service of said Letter within which to cure the existing breach. A cure of the breach shall include, but not be limited to, any late charges, costs and/or advances due pursuant to the Note. If Debtor fails to do so, then on the eleventh (11th) day, the Automatic Stay in the above-entitled bankruptcy proceeding shall be immediately vacated and extinguished for all purposes as to Movant, allowing Movant to proceed with foreclosure of the subject Property, pursuant to applicable State law.

IT IS FURTHER ORDERED that in the event Debtor fails to amend the plan and

maintain plan payments to the Trustee, on the occasion of the third default, the Automatic Stay in the above-entitled bankruptcy proceeding shall be immediately vacated and extinguished for all purposes as to Movant, allowing Movant to proceed with foreclosure of the subject Property, pursuant to applicable State law.

IT IS FURTHER ORDERED that any funds received by Movant, which are subsequently returned for non-sufficient funds, including funds received and applied prior to the terms of this Order, shall be subject to the default provisions contained herein.

IT IS FURTHER ORDERED that a Notice of Fees, Expenses, and Charges pursuant to Bankruptcy Rule 3002.1(c) is not required for the fees and costs included and disclosed as part of this Order.

IT IS FURTHER ORDERED that in the event the instant bankruptcy proceeding is dismissed or discharged, this Agreed Order shall be terminated and have no further force or effect.

IT IS FURTHER ORDERED that Movant shall immediately notify the Office of the Standing Chapter 13 Trustee in the event that it forecloses/repossesses its interest in the collateral described in the Order, pursuant to the terms of the Order.

IT IS FURTHER ORDERED that the 14-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.

IT IS FURTHER ORDERED that if the automatic stay is terminated as to the Property, Movant must provide written notice to the Debtor, Debtor's attorney, and the Trustee. Once the Trustee receives such notice, no further disbursements will be made to Movant's claim.

### END OF ORDER ###

**AGREED:**

By: /s/ James L. Schutza

JAMES L. SCHUTZA

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